

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**Case No. 2:21-CR-89-1 and 2
JUDGE SARAH D. MORRISON**

**JAMES VERL BARLOW
MATTHEW TAYLOR BARLOW,**

Defendants.

ORDER

The defendant having this date entered a plea of not guilty to the Indictment filed in this case, the Court hereby establishes the following schedule which will govern the course of this case from now until trial.

I. TRIAL DATE

This case is set for trial on **Monday, November 29, 2021 at 9:00 a.m. in Courtroom #132.**

II. DISCOVERY AND INSPECTION

The attorney for the defendants are directed to forthwith contact the Assistant U. S. Attorney in charge of the prosecution of this case, if prior contact has not been made, and arrange a meeting for the purpose of resolving all requests for discovery provided for under the Federal Rules of Criminal Procedure, including Rule 16. Upon request for discovery by the attorney for the defendants, pursuant to FRCrP Rule 16, the government shall make the required disclosure of evidence discoverable under the terms and conditions of Rule 16(b). The

government shall then file a response to defendant's request for discovery within one week of the filing of the defendant's request.

The discovery meeting, shall be held as promptly as possible and prior to **September 17, 2021**. If at any time during the course of these proceedings after the initial request any party fails to comply with FRCP 16 such failure shall be brought to the attention of the Court by a specific motion to compel discovery. Motions to compel shall be filed one week from the date of a party's denial of the initial request.

III. MOTIONS

All motions of any kind, including motions in limine, by the defendants or by the government, shall be filed on or before **November 1, 2021**. All briefs opposing said motions shall be filed on or before **November 8, 2021**. Reply briefs will not be filed without obtaining leave of court. Upon the filing of any motion, the movant shall state therein whether an evidentiary hearing is required and the reasons therefor. If the Court agrees, a hearing will be set forthwith.

IV. PLEA NEGOTIATIONS AND PLEA AGREEMENT

Plea agreement discussions between the Assistant U.S. Attorney and the attorney for the defendants, pursuant to Rule 11(E), Federal Rules of Criminal Procedure, shall be commenced as soon as practicable. If a plea agreement is reached, notice thereof shall be given to the Court forthwith and a change of plea will be scheduled. Counsel are instructed to comply with District Order 81-5 dealing with pleas of guilty offered pursuant to a plea agreement, and pleas of guilty offered in the absence of a plea agreement.

V. MOTION FOR CONTINUANCE

Any motion for a change of the trial date shall be in writing and shall be made at least ten days prior to the scheduled trial date and set forth those factors listed in Title 18 U.S.C. § 3161(h)(8)(B), which the movant contends support the motion.

VI. PRETRIAL

This matter is set for a Final Pretrial Conference on **Monday, November 22, 2021 at 2:00 p.m.** Counsel shall be prepared to discuss the following matters:

- (A) Motions In Limine
- (B) Stipulations
- (C) Contested Legal Issues
- (D) Length of Trial
- (E) Voir Dire
 - (1) Procedure
 - (2) Number of Alternates
- (F) Need for Audio-Visual Equipment or Other Special Equipment
- (G) Jury Instructions
- (H) Miscellaneous Issues

VII. TRIAL PROCEDURES

Counsel are instructed to review thoroughly the attached trial procedures, fully incorporated into this Order, which set out the procedures to be followed at trial. The Order

further notes that the following items must be filed with the Court on or before **November 15, 2021**:

- (A) Proposed Jury Instructions
- (B) Stipulations
- (C) List of Exhibits

Parties are reminded that all deadlines set forth in this Order are firm. The parties **SHALL** file or submit to the Court's chambers all required documents by the dates set forth in this order unless prior approval of the Court for filing on a later date has been obtained from the Court.

Parties are also reminded that the use of mobile devices, including but not limited to text messaging and emailing, during status conferences before the Court is strictly prohibited.

/s/ Sarah D. Morrison
SARAH D. MORRISON
United States District Judge

DATED: September 1, 2021